

# Americans with Disabilities Act Compliance Report



## Town Of Merrillville

This report contains documentation that addresses implementation of street improvements to meet the current ADA compliance standards

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Last Revised:

August 28<sup>th</sup> 2012

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# SECTION ONE

## CHAPTER ONE: SUMMARY OF REQUIREMENTS AND PROCEDURES UNDER THE AMERICANS WITH DISABILITIES ACT

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### 1.1 OVERVIEW OF THE ADA

#### ***Section Summary***

*The Americans with Disabilities Act (ADA) was enacted on July 26, 1990. The ADA extended civil rights legislation to people with disabilities, and is companion to the Civil Rights Act of 1964 and Section 504 of the Rehabilitation Act of 1973. The ADA has broad application to public agencies and private businesses in its protections against discrimination for people with disabilities.*

The Americans with Disabilities Act (ADA), enacted on July 26, 1990, provides comprehensive civil rights protections to persons with disabilities in the areas of employment, state and local government services, access to public accommodations, transportation, and telecommunications. The ADA is companion civil rights legislation with the Civil Rights Act of 1964 and Section 504 of the Rehabilitation Act of 1973. This legislation mandates that qualified disabled individuals shall not be excluded from participation in, denied the benefit of, or be subjected to discrimination under any program or activity. The Act also provides disabled employees with certain protections and requires employers to make reasonable accommodation for disabled applicants and employees.

The ADA is divided into five parts, covering the following areas:

#### ***Title I: EMPLOYMENT***

Under this title, The Town of Merrillville (town) must ensure that the hiring practices, policies and procedures do not discriminate against persons with disabilities in the application, hiring, advancement, training, compensation, or discharge of an employee, or in other terms, conditions, and rights of employment.

#### ***Title II: PUBLIC SERVICES***

This title prohibits state and local governments from discriminating against persons with disabilities or from excluding participation in or denying benefits of programs, services, or activities to persons with disabilities. It is under this Title that this self-evaluation is prepared. The self-evaluation is intended to outline programs and services of the town and to evaluate what policies and procedures must be changed or implemented to effect the non-discrimination policies described in Title II.

Title II of the ADA applies to State and local governments, including towns and townships, school districts, water districts, special purpose districts, and other small local governments and instrumentalities. It prohibits discrimination on the basis of disability in all services, programs, and activities provided by towns. Thus, people with disabilities must have an equal opportunity to participate in and benefit from a town's services, programs, and activities. To accomplish this, the ADA sets requirements for town facilities, new construction and alterations, communications with the public, and policies and procedures governing town programs, services, and activities.

Title II dictates that a public entity must evaluate its services, programs, policies, and practices to determine whether they are in compliance with the nondiscrimination regulations of the ADA. The regulations detailing compliance requirements were issued

in July, 1991. These regulations mandate that each public entity is required to examine activities and services, identify problems or physical barriers that may limit accessibility by the disabled, and describe potential compliance solutions. The entity must then proceed to make the necessary changes resulting from the self-evaluation. The ADA further requires that a transition plan be prepared to describe any structural or physical changes required to make programs accessible. The Town of Merrillville's ADA Transition Plan is a companion to the self-evaluation, and is included in the Merrillville ADA Compliance Plan.

#### *Title III: PUBLIC ACCOMMODATIONS*

Title III requires places of public accommodation to be accessible to and usable by persons with disabilities. The term "public accommodation" as used in the definition is often misinterpreted as applying to public agencies, but the intent of the term is to refer to any privately funded and operated facility serving the public.

#### *Title IV: TELECOMMUNICATIONS*

This title covers regulations regarding private telephone companies and requires common carriers offering telephone services to the public to increase the availability of interstate and intrastate telecommunications relay services to individuals with hearing and speech impairments.

#### *Title V: MISCELLANEOUS PROVISIONS*

This title contains several miscellaneous regulations, including construction standards and practices, provisions for attorney's fees, and technical assistance provisions.

In the ADA, the term "disability" means, with respect to an individual:

- 1) A physical or mental impairment that substantially limits one or more of the major life activities of such individual;
- 2) A record of such an impairment; or
- 3) Being regarded as having such impairment.

If an individual meets any one of these three tests, he or she is considered to be an individual with a disability for purposes of coverage under the Americans with Disabilities Act. The Final Rules of the ADA describe in greater detail the conditions included and excluded as disabilities under the ADA, and these rules should be referred to if more detailed descriptions of covered disabilities is desired.

### **1.2 Requirements of Municipalities under the ADA**

Title II of the ADA applies to State and local governments, including towns and townships, school districts, water districts, special purpose districts, and other small local governments and instrumentalities. It prohibits discrimination on the basis of disability in all services, programs, and activities provided by the town. Thus, people with disabilities must have an equal opportunity to participate in and benefit from a town's services, programs, and activities. To accomplish this, the ADA sets requirements for town facilities, new construction and alterations, communications with the public, and policies and procedures governing town programs, services, and activities.

### **1.3 EXISTING FACILITIES: PROGRAM ACCESSIBILITY**

When programs, services, or activities are located in facilities that existed prior to January 26, 1992, the effective date of title II of the ADA, the town must ensure that they are also available to persons with disabilities, unless to do so would fundamentally alter a program, service, or activity or result in undue financial or administrative burdens. This requirement is called program accessibility. When a service, program, or activity is located in a building that is not accessible, the town can achieve program accessibility in several ways. It can:

- Relocate the program or activity to an accessible facility
- Provide the activity, service, or benefit in another manner that meets ADA requirements, or
- Make modifications to the building or facility itself to provide accessibility.

Thus, to achieve program accessibility, Merrillville need not make every existing facility accessible. It can relocate some programs to accessible facilities and modify other facilities, avoiding expensive physical modifications of all town facilities.

### **1.4 NEW CONSTRUCTION AND ALTERATIONS**

#### ***NEW CONSTRUCTION***

ADA requirements for new construction have been in effect since January 1992. New buildings and facilities must comply with the new construction provisions of the ADA Standards for Accessible Design 2010 (ADAAG) as well as the Public Rights of Way Accessibility Guidelines (PROWAG) for public improvements within public rights of way including sidewalks and crossings. These requirements includes facilities that are available for public use and those that are for use by employees.

The ADA Standards for Accessible Design (ADAAG) was revised in 2010 and have been selected as the ADA design standard by the town. Because ADAAG and PROWAG requirements for new construction and alterations do change from time to time, Merrillville must continue to be familiar with any new design and construction requirements before a project starts.

#### ***ADDITIONS AND ALTERATIONS***

When a building or facility is renovated, altered, or added to for any purpose, the alterations or additions must comply with the ADA Standards. In general, the alteration provisions are the same as the new construction requirements except that deviations are permitted when it is not technically feasible to comply. Additions are considered an alteration but the addition must follow the new construction requirements. When existing structural and other conditions make it impossible to meet all the alteration requirements of the ADA Standards, then they should be followed to the greatest extent possible.

### Basic Requirements for Alterations:

- Any alteration that affects the usability of a building or facility must comply with the requirements of the ADA Standards unless technically infeasible to do so. Alterations can be as limited as the replacement of a fixture or element, such as a lavatory, toilet, or piece of door hardware.
- When an element is replaced, the new element must comply with the ADA Standards if the minimum requirements for accessibility under the ADA have not already been met.
- When an alteration to an area of a facility that contains a primary function area, the town has an additional obligation. The town is also responsible for making the path of travel to the altered area (room or wing), as well as the toilet rooms, drinking fountains, and public telephones serving the altered area accessible. Primary function areas are those areas of a building that include the primary spaces for which the building was constructed (for example offices or meeting areas in a town hall, locker rooms in an athletic facility, or classrooms in a school or training center). The amount of money the town must spend to provide an accessible path of travel is limited to 20% of the overall cost of the alterations. If the path of travel alterations can be done for less than the 20% limit, then only that expenditure is required. If all the required accessible features are already provided then no additional expenditure is needed.
- When a qualified historic facility is altered, an exception to the alteration requirements of the ADA Standards may be used if the alteration threatens to destroy the historic significance of the building or facility. In these situations, special provisions in the Standards may be used for the element or space that would be threatened. In almost all situations, accessible design can be used without significantly impairing the historic features of the facility.
- The ADA Standards have specific requirements for additions. Additions, which include an expansion, extension or increase of the gross floor area of a building or facility, are considered an alteration to a facility but the area that is added must comply with the new construction requirements. Each addition that affects or could affect the usability of an area containing a primary function area must meet the path of travel requirements (see above).

### *MAINTENANCE OF ACCESSIBLE FEATURES*

Towns must maintain in operable working condition those features that are necessary to provide access to services, programs, and activities -- including elevators and lifts, curb ramps at intersections, accessible parking spaces, ramps to building or facility entrances, door hardware, and accessible toilet facilities. Isolated or temporary interruptions in service or access are permitted for maintenance or repairs.

### *EFFECTIVE COMMUNICATION*

The Town must take appropriate steps to ensure that communications with members of the public, job applicants, and participants with disabilities are as effective as communications with others unless it is an undue financial or administrative burden to do so or it would result in a fundamental alteration in the nature of the program or activity.



Achieving effective communication often requires towns to provide auxiliary aids and services. Examples of auxiliary aids and services include qualified sign language interpreters, assistive listening devices, open and closed captioning, note-takers, written materials, telephone handset devices, qualified readers, taped texts, audio recordings, Braille materials, materials on computer disk, and large print materials.

Towns must provide appropriate auxiliary aids and services where they are necessary to achieve an equal opportunity to participate in, and enjoy the benefits of, a service, program, or activity conducted by or for the town. The town must give primary consideration to the type of auxiliary aid requested by a person with a disability. However, the town may provide a different type of aid if it can show that it is an effective means of communication. The town must be provided adequate notice that auxiliary aids have been requested prior to the anticipated use of said aids.

Determination of an undue financial burden or a fundamental alteration can only be made by the compliance coordinator, defined below, or his or her designee and must be accompanied by a written statement of the reasons for reaching that conclusion. The determination of an undue burden must be based on all resources available for use in the program, service, or activity. In other words, the evaluation of an undue financial burden must consider all municipal financial resources, in addition to the particular department or division's budget. When it is not possible to provide a particular type of auxiliary aid to achieve effective communication due to an undue burden or fundamental alteration, the town must take any other action that would not result in such burdens or fundamental alteration, but would nevertheless ensure that individuals with disabilities receive the benefits and services of the program or activity.

Since the town communicates with applicants and beneficiaries by telephone, it must ensure that an effective telecommunication system such as communication which relies on use of the relay system or a TTY (or TDD) be used to communicate with individuals who are deaf, hard-of-hearing or who have speech disabilities. A TTY has a keyboard and visual display for non-verbal communication with another TTY user or a relay system operator. The relay system is provided in each State and permits telephone communication between voice handsets and individuals using a TTY.

The town can choose to provide a TTY without significant expense. Some towns have decided to install a portable TTY next to a public pay telephone and to anchor the portable unit to a shelf. Electrical connections are enclosed to protect against accidental disconnection of power.

Requirements for effective communications also apply to "telephone emergency services" that provide a basic emergency service, such as police, fire, and ambulance, that are provided by public safety agencies, including 9-1-1 (or, in some cases, seven-digit) systems. Direct, equal access must be provided to all services included in the system, including services such as emergency poison control information. Where direct access is provided to callers, direct access by TTY users means the telephone emergency service cannot use a relay system or transfer all TTY calls to one operator while other callers have access to all available operators (for more information, see the Department's publication, Access for 9-1-1 and Telephone Emergency Services Under the Americans with Disabilities Act).



### *POLICIES, PRACTICES AND PROCEDURES*

The Town must make reasonable modifications to policies, practices, and procedures to avoid discrimination against individuals with disabilities. While this requirement applies to all policies, practices, and procedures of the town, the town does not have to make modifications that would result in a fundamental alteration in the program, service, or activity or result in a direct threat to the health or safety of others. A direct threat is a significant risk that cannot be eliminated or reduced to an acceptable level by the town's modification of its policies, practices, or procedures, or by the provision of auxiliary aids or services. The public entity's determination that a person poses a direct threat to the health or safety of others may not be based on generalizations or stereotypes about the effects of a particular disability (see The ADA Title II Technical Assistance Manual).

The self-evaluation typically includes a review of policies, practices, and procedures. Periodic review after the self-evaluation may be done to maintain compliance with the ADA. The town can choose how it wants to conduct a review of policies and practices that govern the administration of the town's programs, activities, and services. Towns that have already done a self-evaluation do not have to do another one.

Review of policies, practices, and procedures also applies to telephone emergency services, such as 9-1-1, where policies must ensure direct access to individuals who use TTY's and computer modems.

### *ADA PROCESS FOR COMPLYING WITH THE ADA*

The town is required to conduct a self-evaluation of municipal facilities under Section 504 of the Rehabilitation Act must do so. The self-evaluation is a review of all town services, programs, and activities to identify any physical barriers or policies, practices, or procedures that may limit or exclude participation by people with disabilities. The self-evaluation includes permanent, temporary, and periodic services, programs, and activities. Specific areas of self evaluation must include services, programs, or activities are offered and in what location.

Any policies, practices, or procedures that may limit or exclude individuals with disabilities must be reasonably modified, unless doing so would result in a fundamental alteration in the nature of the service, program, or activity. The self-evaluation should identify changes to policies to be implemented. It should also identify any discriminatory policies, practices, and procedures that cannot be reasonably changed without resulting in a fundamental alteration.

The self-evaluation also identifies problems with the accessibility of facilities and establishes recommendations for providing program accessibility (which may include relocation to an accessible facility). It may also suggest short-term and long-term strategies to provide access to people with disabilities.

Towns that completed a self-evaluation to comply with section 504 of the Rehabilitation Act only have to bring the 504 self-evaluation up to date with ADA requirements by evaluating the services, programs, and activities that have changed.

## ***CHAPTER TWO: PUBLIC NOTICE***

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### **2.1 NOTICE REQUIREMENT**

Merrillville must provide notice to the public about its ADA obligations and about

accessible facilities and services in the town. The notice must inform the public about the ADA's nondiscrimination requirements. It may also describe how the public or employees may contact specific town officials about problems with accessibility and the need for effective communication. The information must be accessible to the public, including people who have disabilities that affect communication, such as blindness, low vision, deafness, and hearing loss. Although no specific method is required to reach the public, notice can be provided in more than one format and by using more than one type of media, such as the town's website, print, radio, or television.

## **2.2 PUBLIC NOTICE DOCUMENT**

In accordance with the requirements of Title II of the Americans with Disabilities Act of 1990 ("ADA"), the Town of Merrillville will not discriminate against qualified individuals with disabilities on the basis of disability in its services, programs, or activities.

**Employment:** Town of Merrillville does not discriminate on the basis of disability in its hiring or employment practices and complies with all regulations promulgated by the U.S. Equal Employment Opportunity Commission under Title I of the ADA.

**Effective Communication:** The Town of Merrillville will generally, upon request, provide appropriate aids and services leading to effective communication for qualified persons with disabilities so they can participate equally in the Town of Merrillville programs, services, and activities, including qualified sign language interpreters, documents in Braille, and other ways of making information and communications accessible to people who have speech, hearing, or vision impairments.

**Modifications to Policies and Procedures:** The Town of Merrillville will make all reasonable modifications to policies and programs to ensure that people with disabilities have an equal opportunity to enjoy all of its programs, services, and activities. For example, individuals with service animals are welcomed in Town of Merrillville offices, even where pets are generally prohibited.

Anyone who requires an auxiliary aid or service for effective communication, or a modification of policies or procedures to participate in a program, service, or activity of the Town of Merrillville, should contact the office of Howard Fink, Town Administrator at 219-769-5711 or [hfink@merrillville.in.gov](mailto:hfink@merrillville.in.gov) as soon as possible but no later than forty-eight (48) hours before the scheduled event.

The ADA does not require the Town of Merrillville to take any action that would fundamentally alter the nature of its programs or services, or impose an undue financial or administrative burden.

Complaints that a program, service, or activity of the Town of Merrillville is not accessible to persons with disabilities should be directed to:

**Howard Fink, Town Administrator**  
**7820 Broadway**  
**Merrillville, IN 46410**  
**219-769-5711 (office)**  
**219-756-6170 (fax)**

The Town of Merrillville will not place a surcharge on a particular individual with a disability or any group of individuals with disabilities to cover the cost of providing

auxiliary aids/services or reasonable modifications of policy, such as retrieving items from locations that are open to the public but are not accessible to persons who use wheelchairs.

## **CHAPTER THREE: ADA COMPLIANCE COORDINATOR**

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### **3.1 DUTIES AND RESPONSIBILITIES**

Responsibilities for the ADA compliance coordinator include conducting the self-evaluation and development of the transition plan, handling requests for auxiliary aids and services, providing information about accessible programs and services, and serving as a local resource to the town. The ADA coordinator also has the responsibility to work with the town council to ensure that new facilities or alterations to town facilities meet ADA requirements. The ADA coordinator is also responsible for receiving complaints from the public and working to resolve them.

### **3.2 APPOINTMENT OF ADA COMPLIANCE COORDINATOR**

Merrillville utilizes professional local government management. The Town Administrator is the liaison to the public for the Town Council and responsible for those day-to-day activities of the town. As such, the Town Administrator shall serve as compliance coordinator.

## **CHAPTER FOUR: ADA GRIEVANCE PROCEDURE**

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### **4.1 GRIEVANCE PROCEDURES OVERVIEW AND INTENT**

Towns with fifty (50) or more employees must have an ADA grievance procedure. A grievance procedure provides people who feel they have been discriminated against because of their disability, or others who feel they have been discriminated against because they have a friend or family member with a disability, with a formal process to make their complaint known to the town. This procedure encourages prompt and equitable resolution of the problem at the local level without having to force individuals to file a Federal complaint or a lawsuit.

### **4.2 MERRILLVILLE ADA GREIVANCE PROCEDURE**

1. The complainant and/or his/her designee should submit the grievance as soon as possible, but no later than sixty (60) calendar days after the alleged occurrence. Submit grievance to the Merrillville ADA Compliance Coordinator:

Howard Fink, Town Administrator  
7820 Broadway  
Email: [hfink@merrillville.in.gov](mailto:hfink@merrillville.in.gov)  
Phone: (219)769-5711  
Facsimile: (219)756-6170

2. The complaint should be presented to the Town Administrator either in writing, in person, or in any other format for the Administrator to be able to document the incident(s) of alleged discrimination. The complaint should contain the following information about the alleged discrimination: full name, address, phone number of the complainant; location of the occurrence, date, and description of the alleged discrimination. The complaint will specify the Department involved and any employee and/or witness involved in the occurrence. Upon request, alternative means of filing complaints, such as personal interviews or a tape recording of the complaint, will be made for person with disabilities.
3. Within fifteen (15) calendar days after receipt of the complaint, the ADA compliance coordinator, or designee, will meet with the complainant to discuss the complaint and possible resolutions.
4. With fifteen (15) calendar days after the meeting, the ADA compliance coordinator will respond in writing or in another form acceptable to the complainant. The response provides a final resolution of the complaint.
5. If the individual who has filed a grievance continues to have concerns after this process concludes, he or she is welcome to bring any unresolved concerns to the Town Council President of the Town of Merrillville.
6. All appeals received and responses given by the ADA compliance coordinator will be kept by the Town of Merrillville for at least five (5) years, as required by the Americans with Disabilities Act.

## SECTION TWO

gerometta & kinel  
architects, inc.

December 8, 2011

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ADA Facilities Study

The goal of the Americans with Disabilities Act (ADA) is to afford every individual the opportunity to benefit from our country's businesses and services. The regulations require that architectural and communication barriers that are structural must be removed in public areas of existing facilities when their removal is readily achievable. In other words, easily accomplished and able to be carried out without much difficulty or expense. However, the regulations do not define exactly how much effort and expense are required for a facility to meet its obligation. This judgment must be made on a case-by-case basis, taking into consideration such factors as the size, type, and overall financial resources of the facility, and the nature and cost of the access improvements needed.

The Department of Justice (DOJ) recommends the development of an Implementation Plan, specifying what improvements will be made to remove barriers and when each solution will be carried out: "...Such a plan...can serve as evidence of a good faith effort to comply. We note that full compliance with ADA Standards is required only for new construction and alterations. ADA Standards should be followed for all barrier removal unless doing so is not readily achievable. If complying with the ADA Standards is not readily achievable, you may undertake a modification that does not fully comply, as long as it poses no health or safety risk.

Priorities for planning readily achievable barrier removal projects are:

- Priority 1: Accessible approach and entrance
- Priority 2: Access to services
- Priority 3: Access to rest rooms
- Priority 4: Any other measures necessary

G&K has visited the Merrillville Town Hall, the Public Works Offices, and the Pruzin Center to survey existing conditions from the perspective of citizens with physical, visual, and cognitive disabilities. We shall note areas that need improvement. We have noted barriers found and suggestions for their removal. For your "Implementation Plan", decisions must be made and which solutions will best eliminate barriers at a "reasonable cost" with a "timeline" for carrying them out. Where the removal of barriers is not readily

achievable, you must consider whether there are alternative methods for providing access that are readily achievable. As a side comment, numerous changes were made to wall and door locations shown on the 1993 Town Hall floor plan given to us. This made it somewhat difficult to follow in some areas of the building.

**Our observations and comments on a “building-by-building” basis are included in the following pages 3 thru 10.**



### Town Hall Building, 7820 Broadway

- A. Accessible approach and entrances: We noted that the parking lot contains sufficient handicapped parking spaces. The route into the building has an acceptable slope and is barrier free up to the east front doors.
- B. Access to services
  - 1. The main east entry doors are acceptable, with the minor comment that at least one of the four interior door leafs shall have an ADA "pull". However, there are automatic openers on inside and outside vestibule doors for compliance.
  - 2. Corridors throughout are typically 5 feet wide or more, which allow for wheelchair movement in all respects. One notable exception is the corridor just south of the Police Exercise Room. Is 4 feet wide, which is acceptable, but it contains no 'T' shaped alcove for wheelchairs to reverse direction .
  - 3. Doors into public spaces must have a 32" clear opening. This typically requires a 36" wide door leaf.
    - a. The doors from the squad room to the exercise room, and the doors to the men's and women's shower rooms are only 32" wide, with an unacceptable clear width of 30" or less. To correct this item requires replacement of both doors and frames.
    - b. Other than 3 or 4 undersized doors to storage or equipment areas, the other doors in the project are at least 36" wide (ie: greater than 32" clear) and are acceptable.
    - c. All doors for public use shall have "lever" handles mounted less than 48 . inches above floor. (Typically OK)
  - 4. On the "pull" side of doors, next to the handle, at least 18" clear of the adjacent wall is required for wheelchair access. The building is typically in compliance.
    - a. In the police restrooms and staff toilet rooms, the dimension is technically less than 18", but is close and probably acceptable as is.
    - b. The door from the 4 foot wide corridor, into the police work-out room only has a 6" space in lieu of 18". This could be corrected by wall reconfiguration at the door which would also correct the wheelchair turning radius problem noted in item #2 above.
    - c. Closers for manually operated doors, especially at exterior doors should have a "delay" feature of at least 5 seconds.
- C. Town Meeting Room (Council Chamber)
  - 1. At least two remote exits are required with "out" swing doors, closers, and panic devices with lever handles on the corridor side. Currently there is only one which complies with either ADA or State Fire/Building Codes. The other exit doors swing-in. This is a high priority item to be corrected ASAP. Provide battery pack exit sign/light at the second legal exit.

exit doors swing-in. This is a high priority item to be corrected ASAP. Provide battery pack exit sign/light at the second legal exit.

2. Ensure that there are both visual/sound fire alarm devices and sufficient emergency lighting.
3. The ramp to Town Council bench has an acceptable slope. However, the ramp should have a handrail on both side walls. (Adding even one rail would be a big improvement). Mount top of dia. rail at 34" to 38" above ramp, with 1 ½" clearance to wall. Rail to be 1 ½" to 2" diameter.

D. Emergency Egress: All alarm devices shall have both flashing lights and audible signal throughout the building. (This will be an upgrade).

E. Departmental and Informational Signage:

1. Mount adjacent to door, latch side, 60" from floor.
2. Raised letters between 5/8" to 2" high with high contrast background (same for restrooms and exits) with Braille text also.
3. If a "pictogram" is used, it must also have Braille.
4. Where directional and information signs used, they must be mounted above 80 inches (6'-8") with minimum 3" high letters on a high contrast background.

F. Countertops

1. Countertops throughout the building where public access is required, shall be not taller than 36" above floor.
2. This includes the entry foyer at the Police Dept., and countertops at the Clerk-Treasurer, Building Dept., Town Administrator, Court Support Area, where all are currently 42" high or more! Solution: Reconfigure portions of counters to have a section with a 36 inch high x 3 foot wide top.

G. Restrooms

1. All multi-occupant toilets, including those in the lobby, staff toilets, and Police Dept. toilets have proper maneuvering space, including space in front of lavatories and watercloset stalls.
2. The required clear space below lavatory countertops is 29" maximum. All existing tops have 28" to 28 ½" clear. This is less than ADA requirements. Also, door closers should have a "delay" feature for closing.
3. The handles on the lavatory controls are acceptable.
4. The bottom edge of mirrors are below the 40 inch allowable height. OK.
5. As previously noted, restroom entry doors are proper width, but space is a little tight on the pull side in the Police women's toilet.
6. Water Closet Stalls: since updated ADA recommendations recommend providing one 5 foot x 5 foot stall in each restroom, none of the toilet rooms currently comply. One typical method used in retrofits is to remove one adjacent watercloset, patch the floor, and create one proper stall with a 36 inch rear grab bar, a 42 inch or 48 inch side grab bar, and stall with proper ADA hardware. If necessary, adjust watercloset seat height to a required range of 17" minimum to 19" maximum. Relocate toilet tissue dispenser if necessary.

Note: We recommend a priority on this issue as follows:

- a. Main Lobby Restrooms (now)
- b. Staff Toilets
- c. Police Toilets

H. Light switches and electrical outlets

1. Typical existing light switches are 50 inches above floor. ADA requirement is 48" maximum.
2. Typical electrical duplex receptacles are 14 inches above floor to outlet centerline. ADA requirements is minimum 15 inches above floor.

I. ADA watercoolers: Maximum 36" spout height, with front edge controls and a 36"x48" maneuvering space for front or parallel approach.

J. Police Exercise Area

1. There are several deficiencies in this area.
2. The doors to the weight room from the squad room, and toilet/shower rooms are only 32", but not 32" clear. The waterclosets, showers and maneuvering areas will need to be reworked. There is no single shower stall that complies with ADA requirements.
3. This entire area will need to be studied to properly remodel if the goal is ADA compliance. At this time we have no existing floor plan of this area. It may be a lower priority issue for the town in the big picture.

K. Police Dispatch/Radio Room Suite:

1. The entry door to the suite from the main corridor does not have required 18" space adjacent to the latch on the pull (inside) side. (only 6" now).
2. At least one ramp shall have a handrail mounted at 34" to 36" above ramp.
3. The door to the private toilet room does not provide 32" clear passage. (only 30 1/2" approximately).

L. Police Holding Cells: At least one cell should have a watercloset with grab bars. This can be retrofitted, but would be quite difficult to fully comply due to physical room constraints.

M. Staff Lounge: The sink in the staff lounge is not designed for accessibility, due to its height and faucet control locations. This may be a low priority issue.

N. Solid Waste District Suite:

1. In general it appears to be in much better compliance than the balance of the building. We have no floor plan of the area and don't know if this area is to be included in our study.

**Town Hall Summary:**

- A. For proper identification and specific notation of items requiring corrective action, we recommend that the Town Hall floor plans be updated to depict current locations of walls, doors and significant cabinetry and features. The 1993 plan is well out of date. If you desire, our firm can update the plan as an additional service.
  
- B. Set Priorities: We suggest that as a starting point the following items be addressed as soon as possible.
  - 1. Accessibility upgrades in the main public restrooms (including signage).
  - 2. Council Chamber upgrades, including fire code items (doors).
  - 3. Adjustment of portions of countertop heights at points of access to the public side such as Police Dept. Lobby, Clerk/Treasurer Reception, Building Dept. Reception, Town Administration Offices Reception and Town Court Reception.
  - 4. Update Corridor and Lobby room signage.
  - 5. Fire alarm system devices upgrades such as horn/strobe devices, emergency signage and lighting.
  
- C. Comments

I feel a strong argument can be made for leaving light switches and electrical outlets "as is" as they are only in slight variance with ADA requirements, and the great expense required to change them throughout the building.

## II. Public Works Building

### A. Accessible approach and entrances:

1. The parking lot shared with the adjacent museum has designated handicapped parking spaces.
2. The main entry door on the east side has two problems: There is a short ramp of approximately 3" slope in 4 feet which slopes directly into the driveway. ADA requires a level landing outside the door before sloping. Also, it should not slope directly into a driveway for safety. Correction would involve re-pouring the ramp level outside the door, with a north-south on the north or south side of the landing with a guardrail.
3. The north secondary entry door does comply with sidewalk ADA slopes.

### B. Access to Services:

1. Corridors are an acceptable width of 4'-2". However, there is no way to turn around in a wheelchair without "backing out". Given the small size of the building, this may not be a big problem.
2. All doors are 36" wide - OK.
3. Doors have proper lever handles, and exterior doors have panic devices - OK.
4. The south corridor door into the lunch room doesn't have the required 18" adjacent to the lever door handle. Changing to a panic device would correct this issue.

### C. Lunch Room/Meeting Room

1. The exit door empties on to an exterior landing with stairs. If this is an accessible fire exit it should be a ramp from the patio.
2. The sink in the cabinetry doesn't have undercounter access space at 32" high x 30" wide.
3. Other aspects of the room meet ADA.

### D. Emergency Egress:

1. Emergency exiting is acceptable other than the previously mentioned stairs at the south exit door and the main entry door ramp mentioned on paragraph 'A' above.
2. We recommend changing the hardware on the corridor door to the lunch room to a panic device with a "dogging" device.

### E. Informational Signage:

1. The toilet room signage could be changed to two, non-gender restrooms since the women's toilet is not ADA accessible.
2. Use signs, with Braille, at the latch side of the toilet rooms at 48" above floor.

### F. Countertops:

1. The reception counter is approximately 42" high. One section needs to be 36" wide x 36" high above floor.
2. Lunch room countertop: Refer to item "C.2" above.

G. Restrooms:

1. The Men's room is 7'-10" long x 4'-11" wide. It is technically one inch too narrow, but will likely function properly. The lavatory, watercloset and mirror height are generally acceptable. Lavatory is 34 1/2" to rim and 31 1/2" clear below. OK
2. The Women's room is 4'-10" long x 4'-9" wide, with an in-swing door. It isn't even close to meeting ADA despite the fact that grab bars are installed. It can't be changed without major reconstruction.

H. Light switches & electrical outlets:

1. Typical light switches are 50 inches above floor. ADA requirement is 48" maximum.
2. Electrical convenience outlets are installed at 15" above floor which is acceptable. OK

I. Water cooler: is accessible: OK

J. Public Works Building Summary

1. Other than the women's restroom, and main entry ramp the building is generally OK in regards to ADA requirements.
2. Set Priorities: We suggest that the following items be addressed at a time frame as determined by the town.
  - a. Designate both toilet rooms as "Unisex", since the women's toilet room is too small to possibly meet ADA. (Technically both should have been designed to meet ADA minimums). The current men's toilet would become a unisex "handicapped toilet".
  - b. Correct ramp problem at the main east entry.
  - c. Create a lowered countertop section, 3 feet wide x 36 inches high at the reception desk.
  - d. Upgrade toilet room signs.
  - e. Possibly replace hardware on the door to the lunch room with a panic device since the hand reach distance is less than the required 18 inches due to hallway width.

K. Comment: Some longer term items or those that are in slight variance with ADA requirements are the light switch height, lunch room sink counter access and the exterior stairs at the lunch room south exit door and patio.

### III. Pruzin Center (Park Dept.) 5750 Harrison St.

#### A. Accessible approach and entries

1. There are two handicapped parking spaces with signage - OK.
2. Access on both east and west are via proper ramps. Ramps have "fence" type handrails (not exactly what is per ADA).
3. Generally acceptable for barrier free.
4. Possibly add a "Van Accessible" parking space.

#### B. Access to services

1. East-west corridor is 47" wide, and wheelchair turn-around space is provided at each end - OK.
2. North-south corridors are 6 ft. wide - OK.
3. Doors throughout are 36" wide, OK.
4. Doors to the Meeting Room have panic hardware. However, the corridor side hardware is a "thumb piece". It should be changed to a "Lever" for ADA.
5. All other doors have "Lever" handles - OK.
6. Restroom Doors:
  - a. Door closers do not have a "delay" feature.
  - b. Door swings into the 5 ft. turning radius, but there is maneuvering space after the door closes.
7. Since the doors exiting the Meeting Room have panic devices, at least one leaf of both exterior doors should also have a panic device with outside lever.

#### C. Emergency Egress: Provide panic device on at least one leaf of both building exit doors with outside lever handles.

#### D. Signage: Not provided - no comment.

#### E. Countertops:

1. Countertop in Lunch Room is 36" high with no section lower at the sink.
2. Pass-thru window at reception is 43" above floor. (36" is ADA requirement).

#### F. Restrooms:

1. Lavatories are proper handicapped type, with lever handles - OK.
  - a. Men's Room, 31" to rim and 28 1/2" clear - OK.
  - b. Women's Room, 32" to rim and 29" clear - OK.
2. Mirrors: are mounted at +32" above floor - OK.
3. Waterclosets stall: 48" wide x 95" long. This doesn't meet current ADA standards, but should be an acceptable "grandfathered" dimension. There are 42" grab bars each side of toilet bowl.
4. Room doors are 36" wide with lever handles.
5. Private Restroom does not meet ADA. Leave as is.

#### G. Light switches and electrical outlets:

1. Switches are 50" to center line (48" maximum is ADA).



2. Electrical outlets are 15" above floor - OK.

H. Water coolers: Two are provided. One is ADA type mounted at +33" to rim. - OK.

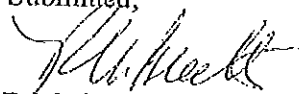
I. Pruzin Center Summary

1. Building is generally ADA friendly. Updates will typically be minor in nature.
2. Set priorities: We suggest the following items be addressed at your earliest convenience.
  - a. Change corridor side hardware on both doors between the Meeting Room and Corridor to "Lever" handles.
  - b. On building exit doors, change hardware on one door leaf to "panic" devices with outside lever handle and cylinder lockset with "dogging" device. (This is also a Life Safety issue).
  - c. Provide "delay" feature closers on doors to meeting room, toilet room doors and entry doors.
  - d. Lower pass-thru windowsill at Reception to 36" high. (Replace unit).
  - e. Provide one "Van Accessible" parking space in the lot. (9 ft. stall with 8 ft. side aisle, properly marked).
3. Comments:

I believe that it is your option to convert toilet room stalls to 5 feet wide. However, doing so would eliminate one fixture. Also, the light switches are only slightly at variance with ADA requirements.

Thank you for the opportunity to provide this study for the Town of Merrillville. Please contact us if you believe it requires further refinement or explanation. I hope it will be useful in planning removal of barriers to provide accessibility for its citizens and guests. Keep in mind that in existing building there will always be some "grey" areas in regards to interpretation of what are "reasonable" accommodations and modifications required.

Submitted,



R.M. Gerometta  
President

# SECTION THREE

## Response to Facilities Study

### Town Hall

Item B3a – To comply with these items the Town of Merrillville will offer a membership  
Item B4a to an ADA compliant health club for any wheelchair bound employee.  
Item B4b  
Section J

Item C1 – Doors on the north side of meeting room now open out.

Item C2 – This items to be addressed during the town hall remodeling project.  
Section D

Item C3 – Handrails have been installed  
Item K2

Section E – All necessary signage has been installed.

Section F – All necessary countertops have been lowered.

Section G – All necessary changes have been completed to make the public restrooms in  
the front corridor compliant. Theses have been designated the ADA  
restrooms for the town hall.

Item K3 – Door opening has been widened.

Section L – The police department no longer utilizes the holding cells. All prisoners are  
transported to the county jail.

### Public Works

Item A2 – North entry door has been designated as the ADA entrance.

Item B4 – Changed to panic device.  
Item D2

Section E – Signs have been installed.

Item F1 – Countertop no longer needs to be lowered due to the use of the north door as  
the ADA entrance.

Pruzin Community Center

Item A4 – Parking space has been added.

Item B4 – Levers have been changed.

Item B6a – Doors have been adjusted.

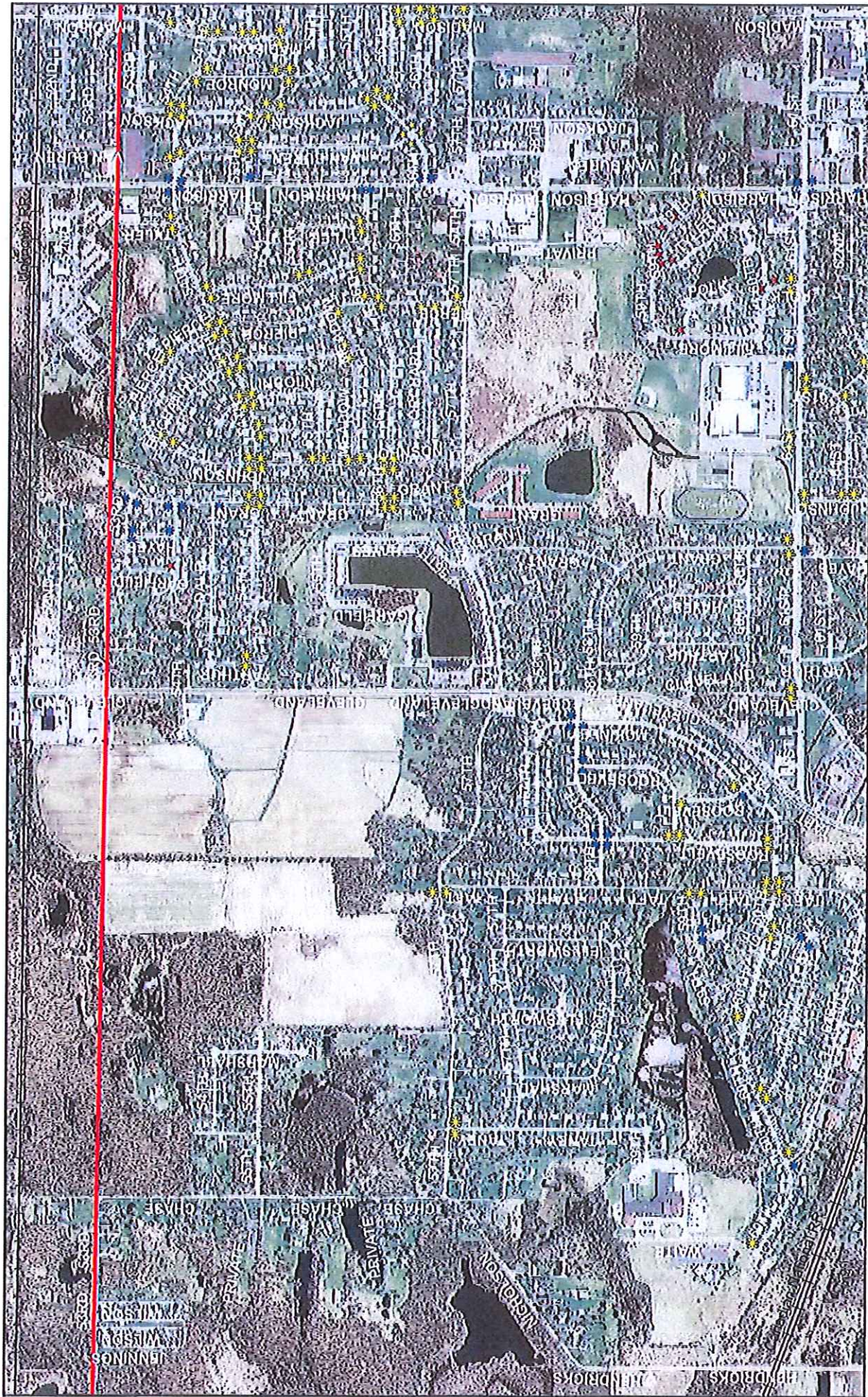
Item E2 – Pass-thru window has been lowered.

## **SECTION FOUR**

## Curb Cut Compliance

The Town of Merrillville is operating under severe budget constraints. Due to the lack of funds, the town was forced to simplify the curb cut survey which was completed in March of 2012 by a Public Works' staff member. This survey will dictate the locations for future work within the town. Also since funding for curb cut repairs are not available in the town's yearly budgets, the Town of Merrillville will commit \$35,000.00 of their Community Development Block Grant funds to update and repair curb cuts. These funds will be received in the fall of 2013 and every other year after. The Town of Merrillville will also utilize any state or federal money that can be used for this specific purpose.





# Town of Merrillville

## ADA Ramp Survey



0 370 740 1,480 2,220 2,960 Feet

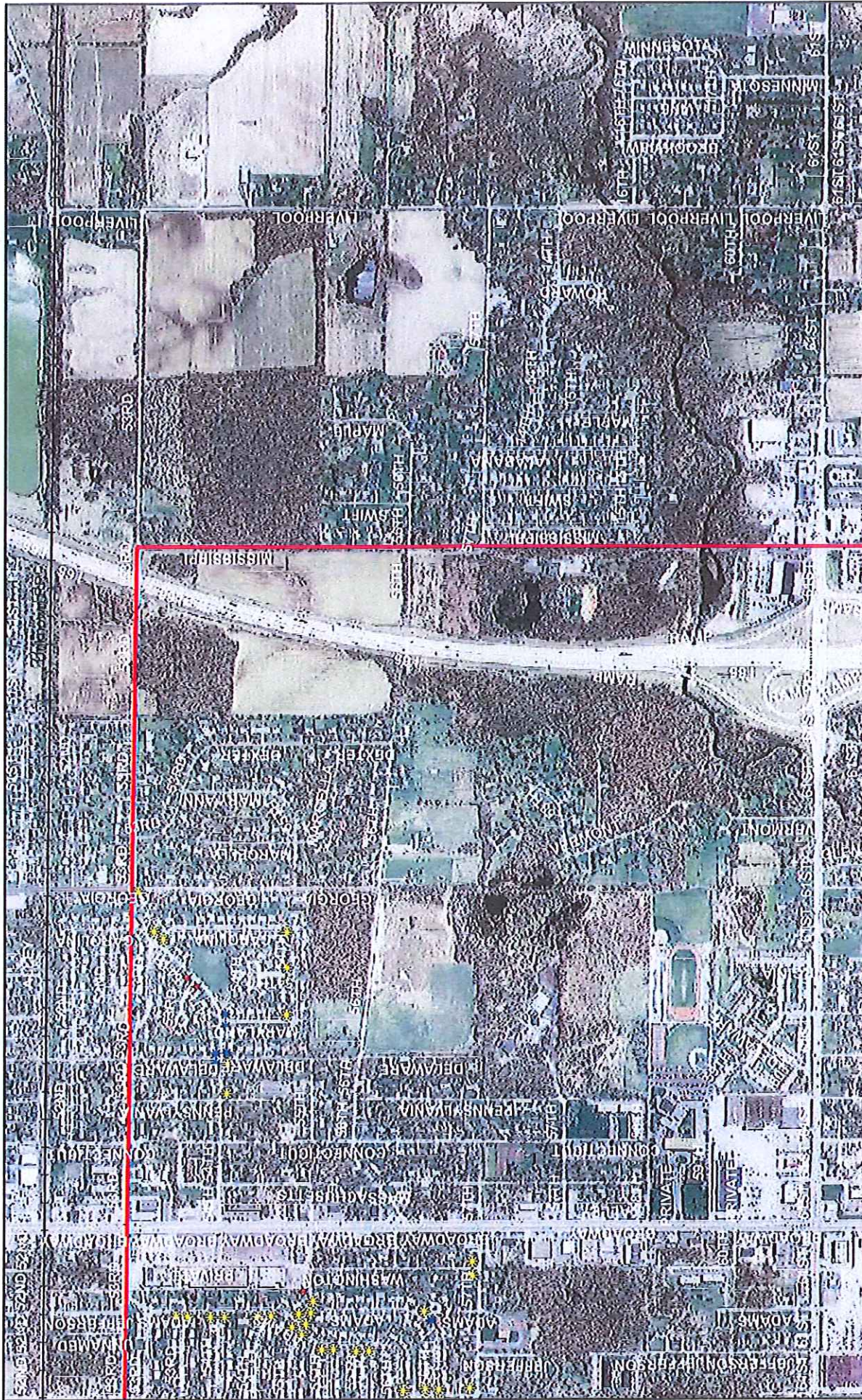
### Legend

#### Ramps

- ★ 4 No curb cut exists: 83
- ☆ 3 Curb cut is structurally poor and will be in need of replacement: 6
- ☆ 2 Curb cut does not meet standards, but is structurally good: 499
- ☆ 1 Curb cut meets current standards, including detachable warning surface: 141

Town Limits





# Town of Merrillville

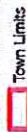
## ADA Ramp Survey



### Legend

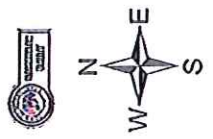
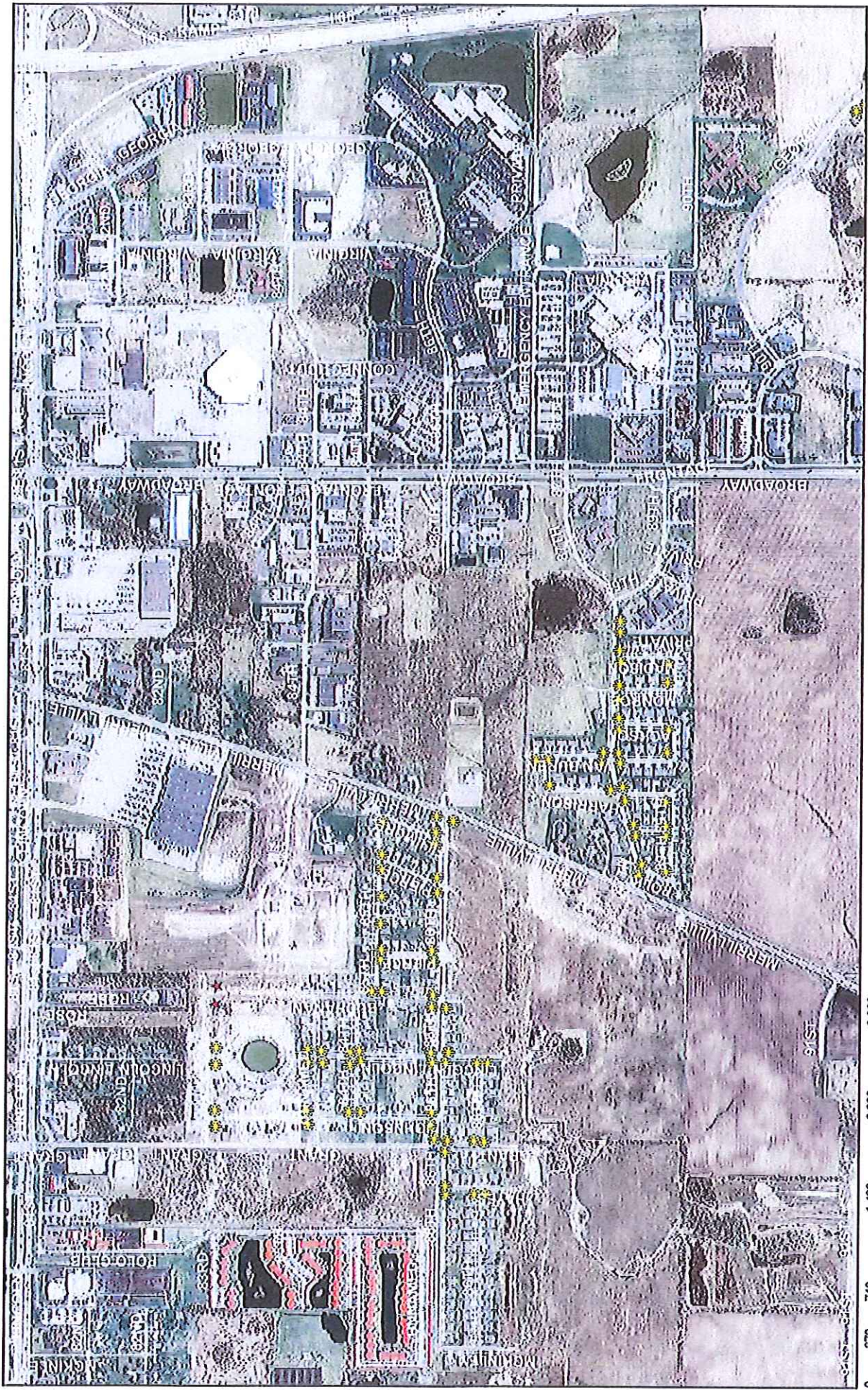
#### Ramps

- ★ 4. No curb cut exist: \$3
- ☆ 3. Curb cut is structurally poor and will be in need of replacement: 6
- ⬢ 2. Curb cut does not meet standards, but is structurally good: 499
- ✱ 1. Curb cut meets current standards, including detachable warning surface: 141



Town Limits





# Town of Merrillville

## ADA Ramp Survey



### Legend

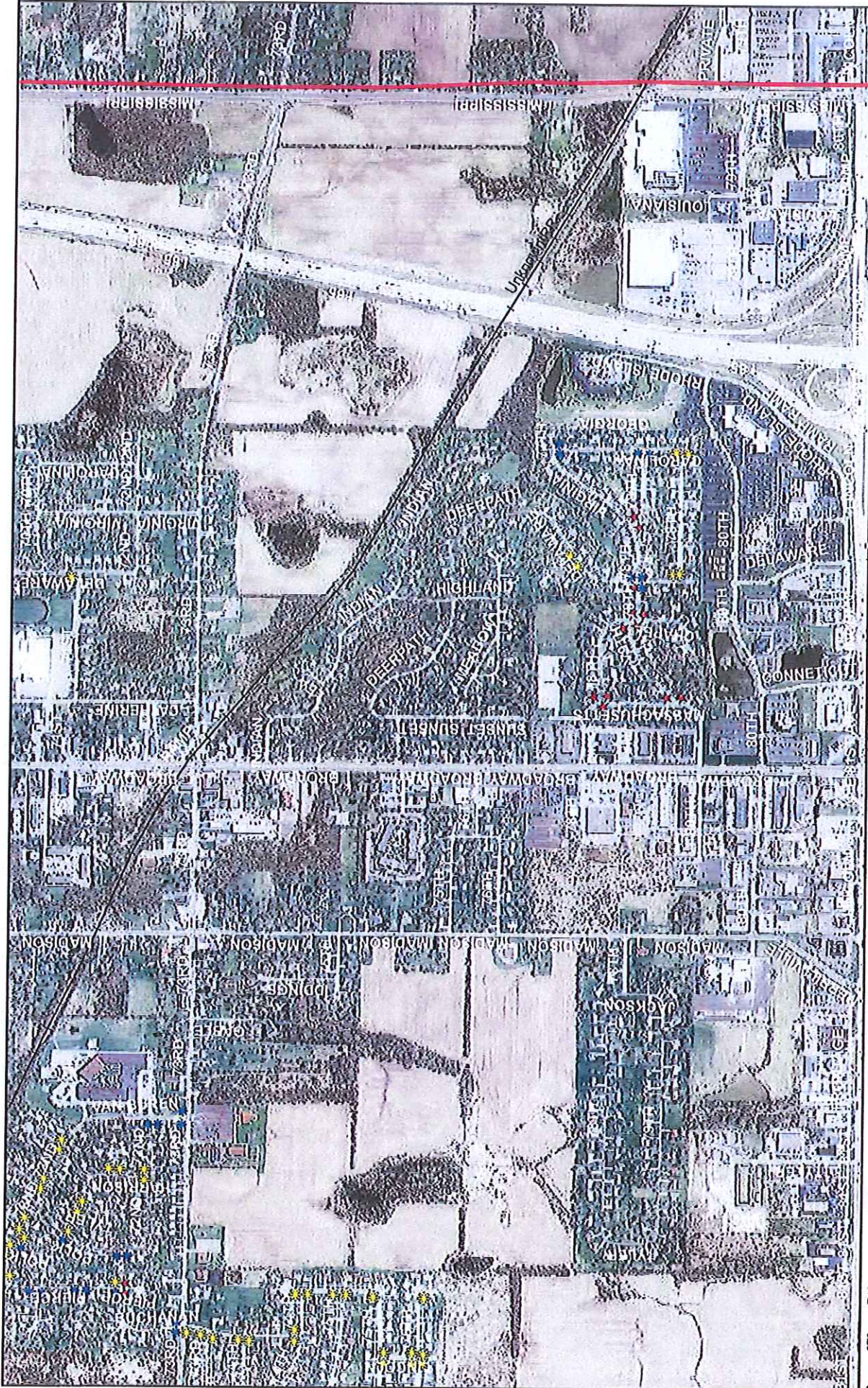
#### Ramps

- ★ 4 No curb cut exists: 83
- ☆ 3 Curb cut is structurally poor and will be in need of replacement: 5
- ☆ 2 Curb cut does not meet standards, but is structurally good: 499
- ★ 1 Curb cut meets current standards, including detachable warning surface: 141

Town Limits







# Town of Merrillville

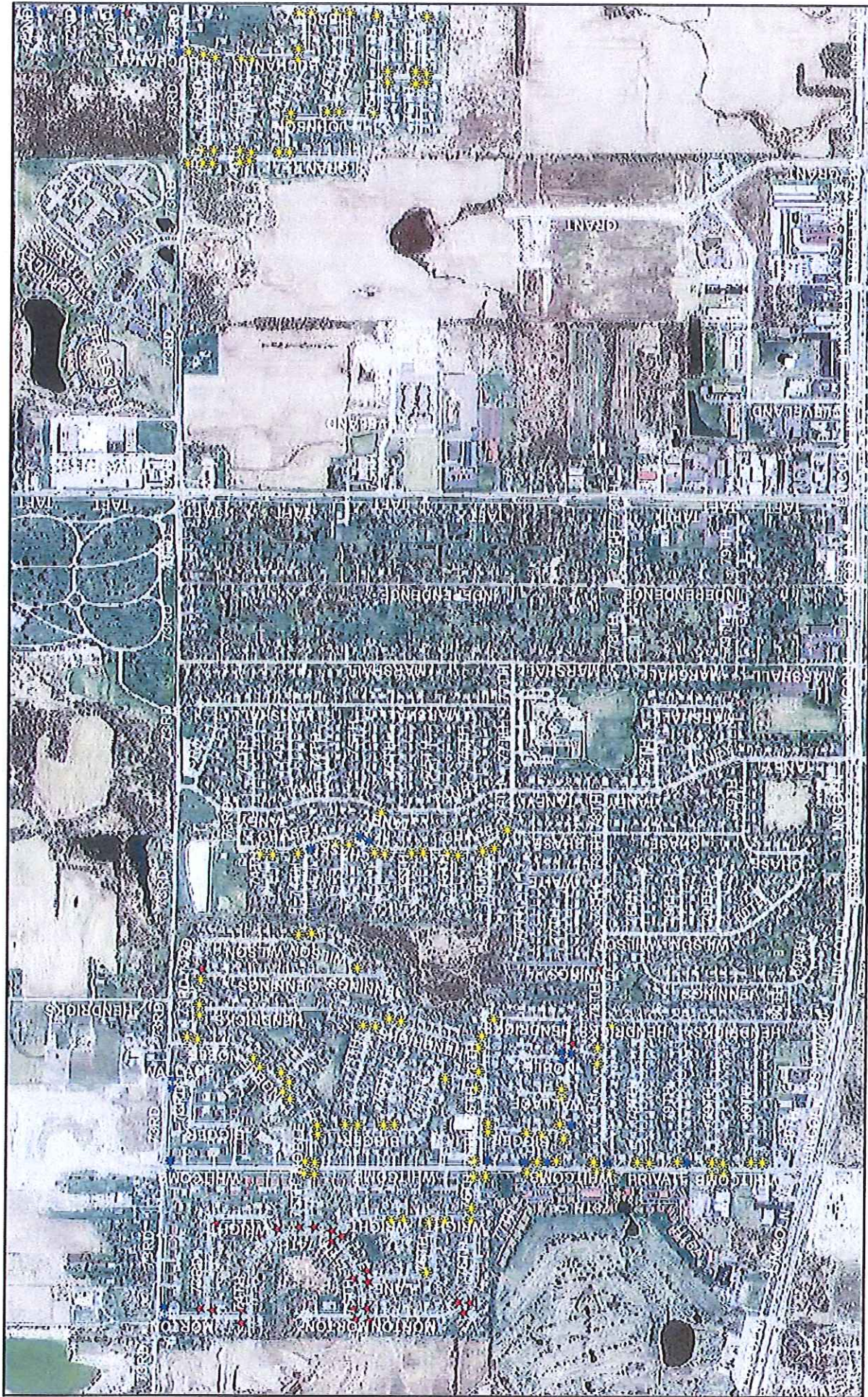
## ADA Ramp Survey



- Legend**
- Ramps**
- ★ 4 No curb cut exists: 83
  - ☆ 3 Curb cut is structurally poor and will be in need of replacement: 6
  - ☆ 2 Curb cut does not meet standards, but is structurally good: 499
  - ☆ 1 Curb cut meets current standards, including detachable warning surface: 141
- Town Limits







0 370 740 1,480 2,220 2,960 Feet

#### Legend

##### Ramps

- ★ 4 No curb cut exist: 83
- ★ 3 Curb cut is structurally poor and will be in need of replacement: 6
- ★ 2 Curb cut does not meet standards, but is structurally good: 499
- ★ 1 Curb cut meets current standards, including detachable warning surface: 141

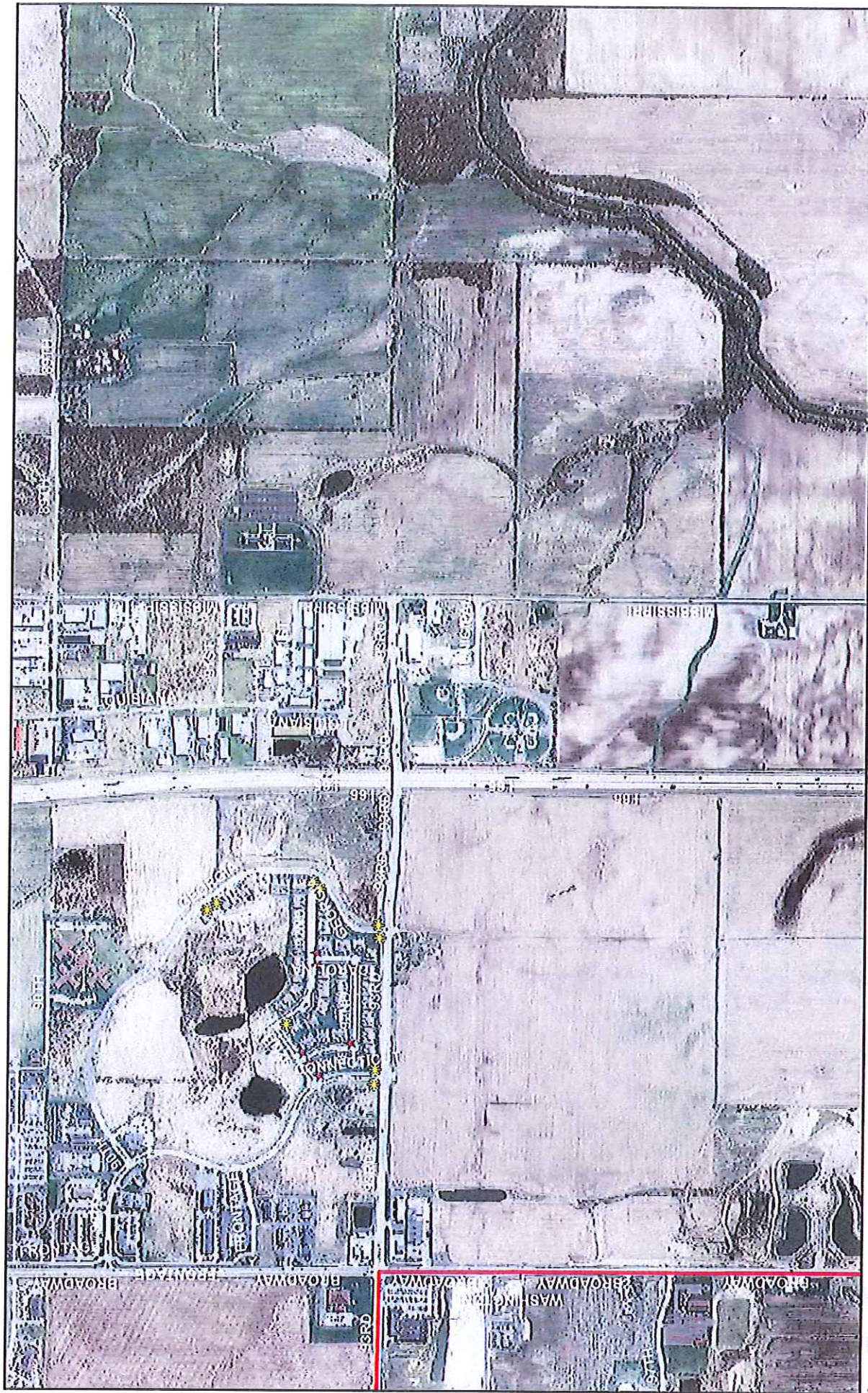
□ Town Limits



# Town of Merrillville

## ADA Ramp Survey





# Town of Merrillville

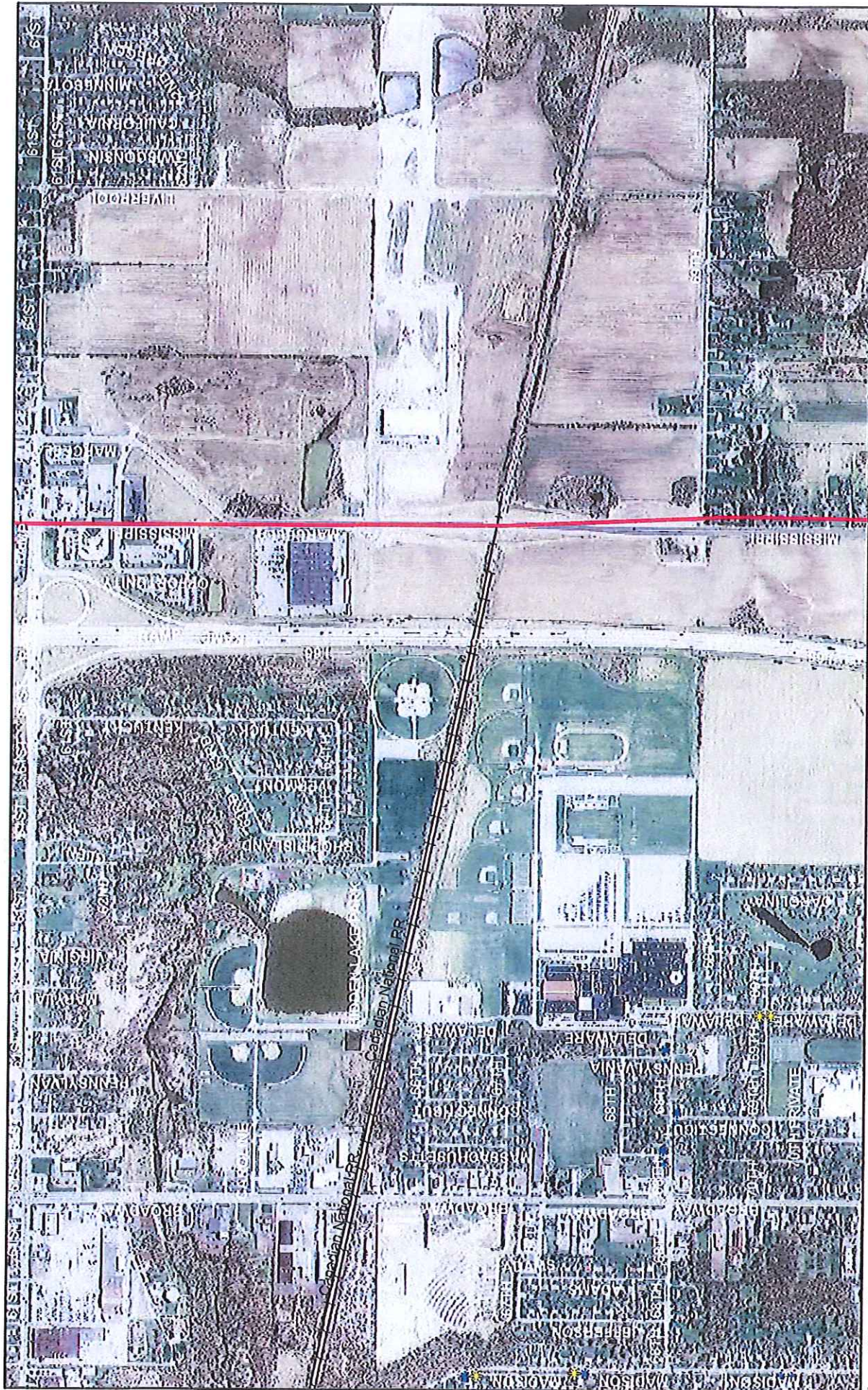
## ADA Ramp Survey



- Legend**
- Ramps**
- ★ 4. No curb cut exist: 83
  - ☆ 3. Curb cut is structurally poor and will be in need of replacement: 6
  - ☆ 2. Curb cut does not meet standards, but is structurally good: 499
  - ☆ 1. Curb cut meets current standards, including detachable warning surface: 141
- Town Limits







# Town of Merrillville

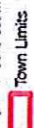
## ADA Ramp Survey



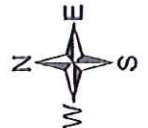
### Legend

#### Ramps

- ★ 4 No curb cut exist: 83
- ☆ 3 Curb cut is structurally poor and will be in need of replacement: 6
- ⬢ 2 Curb cut does not meet standards, but is structurally good: 493
- ✱ 1 Curb cut meets current standards, including detachable warning surface: 141







# Town of Merrillville

## ADA Ramp Survey



0 370 740 1,480 2,220 2,960 Feet

### Legend

#### Ramps

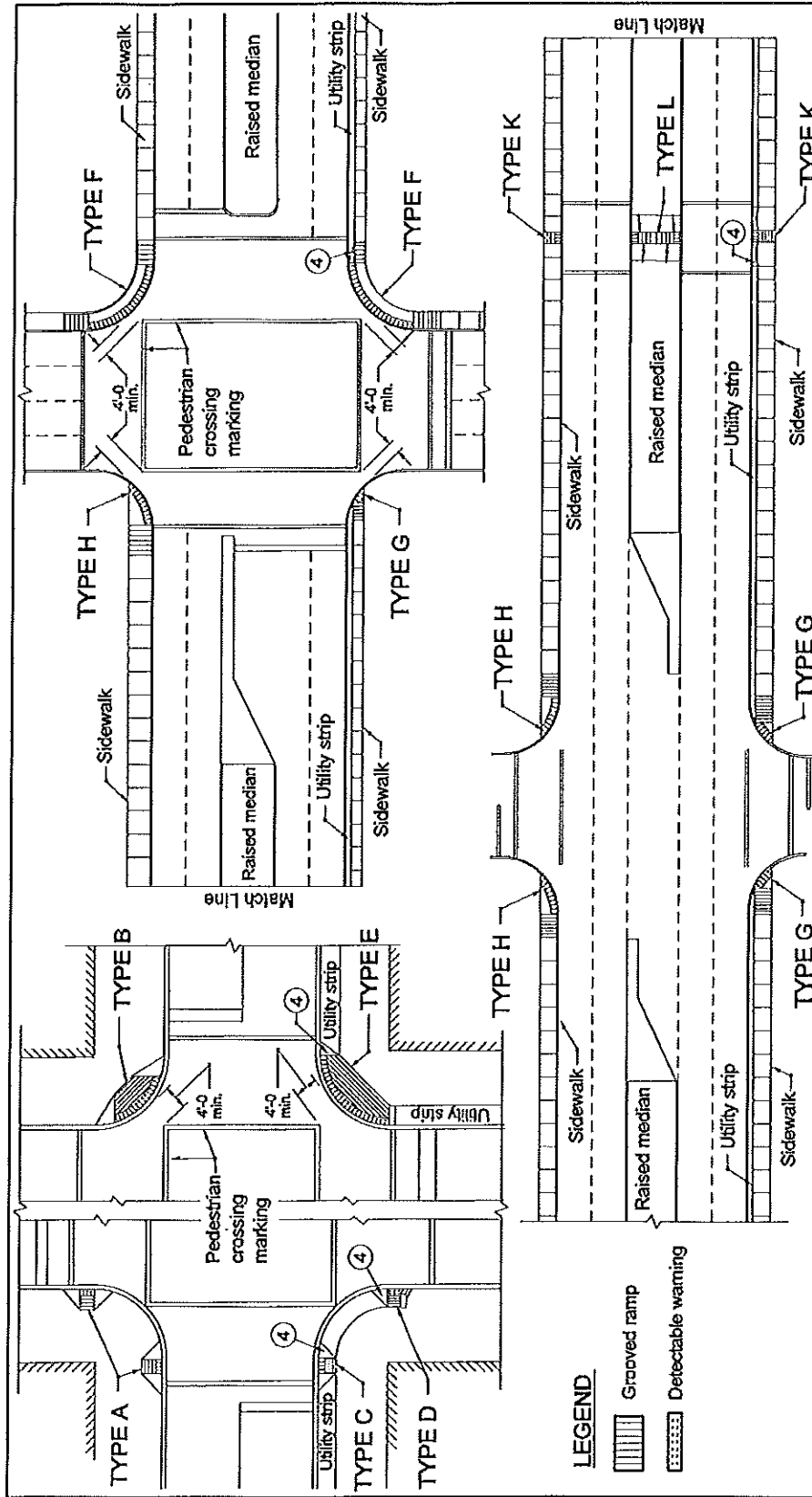
- ★ 4 No curb cut exist: 83
- ☆ 3 Curb cut is structurally poor and will be in need of replacement: 6
- 2 Curb cut does not meet standards, but is structurally good: 499
- 1 Curb cut meets current standards, including detachable warning surface: 141

□ Town Limits












# LEGEND

-  Grooved ramp
-  Detectable warning

1. The curb ramp type includes the ramp and flared sides as indicated on the details. A level landing shall be provided at the high end of every curb ramp.
2. For details of sidewalk curb ramp types see Standard Drawings E 604-SWCR-03 to -11.
3. The curb ramps shall be placed within the marked crosswalk area.
4. Flared side of sidewalk curb ramp next to utility strip shall be sodded.
5. See Standard Drawing E 604-SWCR-02 for General Notes.

INDIANA DEPARTMENT OF TRANSPORTATION	
LOCATION PLAN FOR SIDEWALK CURB RAMPS	
SEPTEMBER 2005	
STANDARD DRAWING NO. E 604-SWCR-01	
	L. Robert L. VanCleave DESIGN REVIEWER DATE: 9-20-05
L. Robert L. VanCleave CHIEF HIGHWAY ENGINEER DATE: 9-20-05	

## SECTION FIVE

## Sidewalk Compliance

Sidewalk repairs within the Town of Merrillville have generally been complaint driven in the past. Due to severe budget and personnel constraints, the town has yet to do a formal sidewalk survey. A formal survey will be completed by the summer of 2013. The town has though targeted the Turkey Creek, Meadowdale, Meadowland and Southbrook subdivisions as having the most sidewalk issues. These are the older subdivisions in town which have sidewalks. Each has had trees planted with the street right of way between the curb and sidewalk causing extensive damage and heaving of the sidewalks. The Town of Merrillville will commit at least \$10,000.00 per year of its casino funds to replace these sidewalks. The Town of Merrillville will also utilize any state or federal funds that can be used for this specific purpose.

# APPENDIX A

## Appendix A: Complaint / Grievance Form

### Grievant Information:

Grievant Name:			
Address:	City:	State:	ZIP Code:
	MERRILLVILLE	INDIANA	46410
Phone:	Email:		
(     )     -			
Alternative Phone:			
(     )     -			

### Person Preparing Complaint Relationship to Grievant (if different from Grievant):

Name:			
Address:	City:	State:	ZIP Code:
	MERRILLVILLE	INDIANA	46410
Phone:	Email:		
(     )     -			
Alternative Phone:			
(     )     -			

Please specify any location(s) related to the complaint or grievance (if applicable):

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Please provide a complete description of the specific complaint or grievance:

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Please state what you think should be done to resolve the complaint or grievance:

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Please attach additional pages as needed.

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Please return to: ADA Coordinator, 7820 Broadway, Merrillville, IN 46410, or via fax (219) 756-6170.

Upon request, reasonable accommodation will be provided in completing this. Form or copies of the form will be provided in alternative formats. Contact the ADA Coordinator at the address listed above, or via telephone (219) 769-5711.

Response/action taken.

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## **RESOLUTION 12-19**

### **A RESOLUTION ADOPTING THE NOTICE PROVISIONS OF THE AMERICANS WITH DISABILITIES ACT IN THE TOWN OF MERRILLVILLE**

WHEREAS, the Town of Merrillville receives Federal funds for many uses and projects; and

WHEREAS, the receipt of such funds requires compliance with Federal laws and policies; and

WHEREAS, it is the wish of the U.S. Equal Employment Opportunity Commission that Municipal entities such as Merrillville formally enact and adopt policies and procedures demonstrating compliance with the Americans With Disabilities Act (ADA); and

WHEREAS, the Town of Merrillville, by its Town Council wishes to formally adopt and implement the following policy and procedure for the benefit of all Merrillville Citizens; and

NOW, THEREFORE, BE IT RESOLVED, by the Town Council of the Town of Merrillville that the following declaration become a written policy of the Town of Merrillville and be posted in all Municipal Buildings upon passage.

### **NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT (ADA)**

The Town of Merrillville adopts the 2010 American with Disabilities Act Standards for Accessible Design and the 2005 Guidelines for Accessible Public Rights. In accordance with the requirement of Title II of the Americans with Disabilities Act of 1990 ("ADA"), the Town of Merrillville, Indiana, will not discriminate against qualified individuals with disabilities on the basis of disability in its services, programs, or activities.

Employment: The Town of Merrillville, Indiana, does not discriminate on the basis of disability in its hiring or employment practices and complies with all regulations promulgated by the U.S. Equal Employment Opportunity Commission under Title I of the ADA.



**A RESOLUTION ADOPTING THE NOTICE PROVISIONS OF THE  
AMERICANS WITH DISABILITIES ACT IN THE TOWN OF MERRILLVILLE**

**Effective Communication:** The Town of Merrillville, Indiana, will generally, upon request, provide appropriate aids and services leading to effective communication for qualified persons with disabilities so they can participate equally in the Town of Merrillville's programs, services, and activities, including qualified sign language interpreters, documents in Braille, and other ways of making information and communications accessible to people who have speech, hearing, or vision impairments.

**Modifications to Policies and Procedures:** The Town of Merrillville will make all reasonable modifications to policies and programs to ensure that people with disabilities have an equal opportunity to enjoy all of its programs, services, and activities. For example, individuals with service animals are welcomed in Town of Merrillville offices, even where pets are generally prohibited.

Anyone who requires an auxiliary aid or service for effective communication, or a modification of policies or procedures to participate in a program, service, or activity of the Town of Merrillville should contact the Town Administrator at their office in the Merrillville Municipal Complex at 219-769-5711, as soon as possible but no later than 48 hours before the scheduled event.

The ADA does not require the Town of Merrillville to take any action that would fundamentally alter the nature of its programs or services, or impose an undue financial or administrative burden.

Complaints that a program, service, or activity of the Town of Merrillville is not accessible to persons with disabilities should be directed to the Town Administrator at their office in the Merrillville Municipal Complex at 219-769-5711.

The Town of Merrillville will not place a surcharge on a particular individual with a disability or any group of individuals with disabilities to cover the cost of providing auxiliary aids/services or reasonable modifications of policy, such as retrieving items from locations that are open to the public but are not accessible to persons who use wheelchairs.

**TOWN OF MERRILLVILLE**  
**Grievance Procedure under**  
**The Americans with Disabilities Act**

This Grievance Procedure is established to meet the requirements of the Americans with Disabilities Act of 1990 ("ADA"). It may be used by anyone who wishes to file a complaint alleging discrimination on the basis of disability in the provision of services, activities, programs, or benefits by the Town of Merrillville. The Town's Personnel Policy governs employment-related complaints of disability discrimination.

The complaint should be in writing and contain information about the alleged discrimination such as name, address and telephone number of complainant and location, date, and description of the problem. Alternative means of filing complaints, such as personal interviews or a tape recording of the complaint will be made available for persons with disabilities upon request.

**A RESOLUTION ADOPTING THE NOTICE PROVISIONS OF THE  
AMERICANS WITH DISABILITIES ACT IN THE TOWN OF MERRILLVILLE**

The complaint should be submitted by the grievant and/or his/her designee as soon as possible but no later than 60 calendar days after the alleged violation to:

Town Administrator  
Merrillville Municipal Complex  
7820 Broadway  
Merrillville, IN 46410

Within 15 calendar days after receipt of the complaint, the Town Administrator or his/her designee will meet with the complainant to discuss the complaint and the possible resolutions. Within 15 calendar days of the meeting, the Town Administrator or [his/her] designee will respond in writing, and where appropriate, in a format accessible to the complainant, such as large print, Braille, or audio tape. The response will explain the position of the Town of Merrillville and offer options for substantive resolution of the complaint.

If the response by the Town Administrator or his/her designee does not satisfactorily resolve the issue, the complainant and/or his/her designee may appeal the decision within 15 calendar days after receipt of the response to the Council President or [his/her] designee.

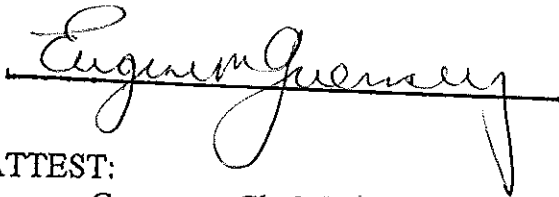
Within 15 calendar days after receipt of the appeal, the Council President or [his/her] designee will meet with the complainant to discuss the complaint and possible resolutions. Within 15 calendar days after the meeting, the Council President or [his/her] designee will respond in writing, and, where appropriate, in a format accessible to the complainant, with a final resolution of the complaint.

All written complaints received by the Town Administrator or his/her designee, appeals to the Council President or his/her designee, and responses from these two offices will be retained the Town of Merrillville for at least three year.

RESOLVED this 28 day of August, 2012



Shawn Michael Pettit  
Merrillville Council President



ATTEST:  
Eugene Guernsey, Clerk-Treasurer